



General Assembly

Amendment

January Session, 2003

LCO No. **5645**

HB0617405645HR0

Offered by:

REP. WINKLER, 41st Dist.

REP. RYAN, 139th Dist.

To: Subst. House Bill No. **6174**

File No. 504

Cal. No. 333

***"AN ACT CONCERNING THE SALE OR DISPENSING OF
CONTACT LENSES."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2003*) (a) For purposes of this
4 section, "contact lenses" means lenses that: (1) (A) Have a spherical,
5 cylindrical or prismatic power or curvature; (B) are made pursuant to a
6 current prescription; and (C) are intended to be worn on the surface of
7 the eye for vision correction, or (2) are worn for cosmetic purposes
8 only.

9 (b) No person or entity shall be authorized to sell, dispense or
10 distribute contact lenses to a patient or consumer in this state unless
11 one of the following has occurred: (1) The patient or consumer
12 transmits or mails to such person or entity a valid prescription for
13 contact lenses, or (2) a licensed optician, optometrist or
14 ophthalmologist, having obtained written authorization from such

15 patient or consumer, transmits orally, electronically or in writing, to
16 such person or entity, a copy of a valid prescription for contact lenses
17 from an optometrist or ophthalmologist or a specification for contact
18 lenses, or (3) a licensed optician, optometrist or ophthalmologist,
19 having obtained written authorization from such patient or consumer,
20 verifies orally or in writing, a valid prescription from an optometrist or
21 ophthalmologist or a specification for contact lenses to such person or
22 entity.

23 (c) A licensed optometrist or ophthalmologist, having obtained
24 written authorization from such patient or consumer to verify a
25 prescription shall provide such prescription verification not later than
26 three business days from the date the optometrist or ophthalmologist
27 receives the patient's or consumer's written authorization. A licensed
28 optician, optometrist or ophthalmologist, having obtained written
29 authorization from such patient or consumer to verify contact lens
30 specifications shall provide such specification verification not later
31 than three business days from the date the optician, optometrist or
32 ophthalmologist receives the patient's or consumer's written
33 authorization. The verification of such prescription or specification
34 shall include, but not be limited to, the following information: (1) The
35 lens manufacturer, (2) base curve, (3) diameter, and (4) power of the
36 contact lenses. Failure to respond to a verification request shall not be
37 deemed to authorize, validate or confirm any prescription or
38 specification.

39 (d) No licensed optician, optometrist or ophthalmologist shall
40 verify, pursuant to subdivision (3) of subsection (b) of this section, a
41 prescription from an optometrist or ophthalmologist or a specification
42 for contact lenses, if more than eighteen months have elapsed from the
43 date of issuance of the original written prescription or specification.

44 (e) All communications and correspondence received by persons or
45 entities who sell, dispense or distribute contact lenses to patients or
46 consumers in this state, shall be maintained for a period of seven years
47 from the date of receipt, and shall be subject to all state and federal

48 confidentiality requirements."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>